

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF THE PAVERS AND ROAD
BUILDERS DISTRICT COUNCIL WELFARE
PENSION, ANNUITY AND APPRENTICESHIP,
AND SKILL IMPROVEMENT AND SAFETY
FUNDS, et al.,

MEMORANDUM & ORDER
20-CV-1837 (EK) (RML)

Plaintiffs,

-against-

GENRUS CORP.,

Defendant.

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ERIC KOMITEE, United States District Judge:

The Court has received Magistrate Judge Robert Levy's Report and Recommendation ("R&R") dated June 14, 2022. ECF No. 30. Judge Levy recommends that the Court grant Plaintiffs' motion for default judgment and that Plaintiffs be awarded (1) \$13,512 in unpaid contributions and \$768 in unpaid union assessments and dues check-offs; (2) interest on the unpaid principal at the rate of ten percent per annum, through the date of judgment; (3) \$2,261.40 in liquidated damages; (4) \$447.22 in late-payment interest; (5) \$6,443 in attorney's fees; (5) and \$565.90 in costs. R&R 15. Neither party has filed objections and the time to do so has expired. Accordingly, the Court reviews the R&R for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord *State Farm*

Mut. Auto. Ins. Co. v. Grafman, 968 F. Supp. 2d 480, 481
(E.D.N.Y. 2013).

Having reviewed the record, I find no clear error and therefore adopt the R&R in its entirety.¹ Thus, Plaintiffs' motion for default judgment is granted. Plaintiffs are awarded \$13,512 in unpaid contributions and \$768 in unpaid union assessments and dues check-offs; (2) interest on the unpaid contributions at the rate of ten percent per annum, through the date of judgment; (3) \$2,261.40 in liquidated damages; (4) \$447.22 in late payment interest; (5) \$6,443 in attorney's fees; (6) and \$565.90 in costs. The Clerk of Court is respectfully directed to enter judgment and close the case.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: September 29, 2022
Brooklyn, New York

¹ I note a minor technical adjustment to the interest calculation set forth in footnote 4 of the R&R: the computations for daily interest should be " $(\$7,570.56) * (0.1) * (1/365) * (\text{number of days late})$ " for June 2018 and " $(\$5,941.44) * (0.1) * (1/365) * (\text{number of days late})$ " for July 2018. This is because Plaintiffs have not argued that the unpaid dues (as opposed to the unpaid contributions) are subject to interest accrual, and because a factor of 1/365 is necessary to compute daily interest. In any event, the amounts of daily interest set forth in the R&R – \$2.07 per day for June 2018, and \$1.63 per day for July 2018 – are correct.